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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,844	12/02/2003	W. Paul Willes	23839-11591	3223

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EXAMINER	
BHATIA, AJAY M	
ART UNIT	**PAPER NUMBER**
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/725,844	WILLES ET AL.	
	Examiner	Art Unit	
	Ajay M. Bhatia	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,24-26,39,59-61,74,78,101-103,114,133-135 and 144* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,24-26,39,59-61,74,78,101-103,114,133-135 and 144* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

Applicant's repetitive has contacted the examiner multiple time and each time the examiner has discussed the case with applicant's representative. Additionally applicant argument are addressing a different type of restriction then the examiner has done. The examiner has done restriction by species. If the independent claims at some point become allowable then a rejoinder would be considered. Therefore the restriction is maintained.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 24-26, 39, 59-61,74, 78, 101-103, 114, 133-135 and 144 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunt et al. (US Patent 5,764,235).

For claim 1, Hunt teaches, a system for allocating bandwidth on a network comprising:

A. one or more network nodes wherein said one or more network nodes further comprises a first processing element, a compression module, a first local network interface, and a first bandwidth adjustment module, wherein said compression module further comprises a plurality of compression parameters and said first processing element controls said bandwidth adjustment module, said first local network interface, and said compression module; (Hunt, Col. 5 lines 5-32, client and server customization)

B. a data interface connected to said one or more network nodes; (Hunt, Col. 5 lines 5-32, client and server customization)

C. a master node wherein said master node further comprises a second processing element, a second local network interface, and a second bandwidth adjustment module and wherein said second processing element controls said second network interface and said second bandwidth adjustment module; (Hunt, Col. 5 lines 5-32, client and server customization)

D. wherein said one or more network nodes and said master node communicate using said first local network interface and said second network interface; (Hunt, Col. 5 lines 5-32, client and server customization)

and E. wherein said second bandwidth adjustment module dynamically changes at least one of said compression parameters in said first bandwidth adjustment module based on network conditions on the local network wherein said network conditions are detected by said second local network interface. (Hunt, Col. 5 lines 5-32, client and server customization)

For claim 24, Hunt teaches, a system for allocating bandwidth on a network as recited in claim 1 further comprising an external network connected to said master node. (Hunt, Col. 5 lines 33-55, internet)

For claim 25, Hunt teaches, a system for allocating bandwidth on a network as recited in claim 24 further comprising a remote monitoring station connected to said external network wherein said remote monitor station receives data from said data interface. (Hunt, Col. 5 lines 33-55, internet, browser)

For claim 26, Hunt teaches, a system for allocating bandwidth on a network as recited in claim 24 wherein said external network is a network selected from the group consisting of the Internet, a Local Area Network (LAN), and a Wide Area Network (WAN). (Hunt, Col. 5 lines 33-55, internet)

For claim 39, Hunt teaches, a system for allocating bandwidth on a network comprising:

A. a first of network node wherein said first network node further comprises a first processing element, a first bandwidth adjustment module, a first local network interface, and a compression module wherein said compression module contains a plurality of compression parameters and wherein said first processing element controls said first bandwidth adjustment module, said first local network interface, and said compression module; (Hunt, Col. 5 lines 5-32, client and server customization)

B. a data interface connected to said first network node; (Hunt, Col. 5 lines 5-32, client and server customization)

C. a second network node wherein said second network node further comprises a second processing element, a second bandwidth adjustment module, a second local network interface, and wherein said second processing element controls said second local network interface and said second bandwidth adjustment module D. wherein said first network node and said second network node electronically communicate using

said first local network interface and said second local network interface; (Hunt, Col. 5 lines 5-32, client and server customization)

and E. wherein said second bandwidth adjustment module dynamically changes at least one of said compression parameters in said first bandwidth adjustment module based on network conditions on the local network wherein said network conditions are detected by said second local network interface. (Hunt, Col. 5 lines 5-32, client and server customization)

For claim 59, Hunt teaches, a system for allocating bandwidth on a network as recited in claim 39 further comprising an external network connected to said first or second network node. (Hunt, Col. 5 lines 33-55, internet)

For claim 60, Hunt teaches, a system for allocating bandwidth on a network as recited in claim 59 further comprising a remote monitor station connected to said external network wherein said remote monitor station receives data from said data interface. (Hunt, Col. 5 lines 33-55, internet browser)

For claim 61, Hunt teaches, a system for allocating bandwidth on a network as recited in claim 59 wherein said external network is a network selected from the group consisting of the Internet, a Local Area Network (LAN), and a Wide Area Network (WAN). (Hunt, Col. 5 lines 33-55, internet)

For claim 74, Hunt teaches, a data address controller system comprising:

A. one or more network nodes wherein said one or more network nodes further comprises a processing element, a compression module, a local network interface, a remote address client, and a bandwidth adjustment module, wherein said compression module contains a plurality of compression parameters and said processing element controls said bandwidth adjustment module, said local network interface, and said compression module; (Hunt, Col. 5 lines 5-32, client and server customization)

B. a data interface connected to said one or more network nodes; (Hunt, Col. 5 lines 5-32, client and server customization)

C. an address controller connected to said one or more network nodes over a network; (Hunt, Col. 5 lines 5-32, client and server customization)

and D. wherein authentication is granted to said address controller and wherein said address controller connects to said remote access client which allows said access to data received on said data interface. (Hunt, Col. 5 lines 5-32, client and server customization)

For claim 78, Hunt teaches, a method for allocating bandwidth on a network comprising the steps of:

A. receiving data on a data interface on a network node which comprises a first bandwidth adjustment module, a first local network interface, and a compression module with a plurality of compression parameters; (Hunt, Col. 5 lines 5-32, client and server customization)

B. sampling network conditions from a second local network interface with a second bandwidth adjustment module in a master node; (Hunt, Col. 5 lines 5-32, client and server customization)

C. determining the bandwidth requirements for data received on said data interface based on said network conditions in said second bandwidth adjustment module; (Hunt, Col. 5 lines 5-32, client and server customization)

and D. notifying said first bandwidth adjustment module of said bandwidth requirements which causes said network node to change said compression parameters for said received data. (Hunt, Col. 5 lines 5-32, client and server customization)

For claim 101, Hunt teaches, a method for allocating bandwidth on a network as recited in claim 78 further comprising an external network connected to said master node. (Hunt, Col. 5 lines 33-55, internet)

For claim 102, Hunt teaches, a method for allocating bandwidth on a network as recited in claim 101 further comprising a remote monitor station connected to said external network wherein said remote monitor station receives data from said data interface. (Hunt, Col. 5 lines 33-55, internet)

For claim 103, Hunt teaches, a method for allocating bandwidth on a network as recited in claim 101 wherein said external network is a network selected from the group

consisting of the Internet, a Local Area Network (LAN), and a Wide Area Network (WAN). (Hunt, Col. 5 lines 33-55, internet)

For claim 114, Hunt teaches, a method for allocating bandwidth on a network comprising:

A. receiving data on a data interface on a first network node which comprises a first bandwidth adjustment module, a first local network interface, and a compression module with a plurality of compression parameters; (Hunt, Col. 5 lines 5-32, client and server customization)

B. sampling network conditions from a second local network interface with a second bandwidth adjustment module in a second network node; (Hunt, Col. 5 lines 5-32, client and server customization)

C. determining the bandwidth requirements for data received on said data interface based on said network conditions in said second bandwidth adjustment module; (Hunt, Col. 5 lines 5-32, client and server customization)

and D. notifying said first bandwidth adjustment module of said bandwidth requirements which causes said first network node to change said compression parameters for said received data. (Hunt, Col. 5 lines 5-32, client and server customization)

For claim 133, Hunt teaches, a method for allocating bandwidth on a network as recited in claim 114 further comprising an external network connected to said master node. (Hunt, Col. 5 lines 33-55, internet)

For claim 134, Hunt teaches, a method for allocating bandwidth on a network as recited in claim 133 further comprising a remote monitor station connected to said external network wherein said remote monitor station receives data from said data interface. (Hunt, Col. 5 lines 33-55, internet browser)

For claim 135, Hunt teaches, a method for allocating bandwidth on a network as recited in claim 133 wherein said external network is a network selected from the group consisting of the Internet, a Local Area Network (LAN), and a Wide Area Network (WAN). (Hunt, Col. 5 lines 33-55, internet)

For claim 144, Hunt teaches, a data address controller method comprising the steps of:

A. receiving data on a data interface on network node which comprises a bandwidth adjustment module, a network interface, and a remote access client; (Hunt, Col. 5 lines 5-32, client and server customization)

B. authenticating to an address controller; (Hunt, Col. 5 lines 5-32, client and server customization)

C. connecting said remote access client to said address controller over a network; (Hunt, Col. 5 lines 5-32, client and server customization)

and D. providing access to data received on said data interface over said network. (Hunt, Col. 5 lines 5-32, client and server customization)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Cardone
Supervisor Patent Examiner
Art Unit 2145